



PUBLIC NOTICE

US Army
Corps
of Engineers
Baltimore
District

In Reply to Application Number
**CENAB-OP-RPA(WILKES-BARRE INFLATABLE
STRUCTURE)03-01240-13**

SPECIAL PUBLIC NOTICE 06-12

Comment Period: March 13, 2006 to May 15, 2006

THE PURPOSE OF THIS PUBLIC NOTICE IS TO SOLICIT COMMENTS FROM THE PUBLIC ABOUT THE WORK DESCRIBED BELOW. AT THIS TIME, NO DECISION HAS BEEN MADE AS TO WHETHER OR NOT A PERMIT WILL BE ISSUED.

A joint Corps of Engineers (Corps) and Pennsylvania Department of Environmental Protection (PADEP) public hearing has been scheduled for May 1, 2006 on the 3rd floor of the Sheehy-Farmer Campus Center at Kings College, in downtown Wilkes-Barre, Pennsylvania. The Sheehy-Farmer Campus Center is behind Esseff Hall, and the building is located in the block between North Franklin and North Main Streets. For campus location, go to <http://www.kings.edu/VirtualTour/default.htm>. Parking is available at the West Union Street parking lot and at the parking lot across from the Luzerne County Court House (enter from West Jackson Street). Street parking will also be available. Project information and plans will be displayed in the lobby and may be viewed beginning at 5:00 p.m. The hearing will start at 7:00 p.m. Persons wishing to give oral testimony are encouraged to arrive at the hearing site early to sign up at the sign-in table.

The purpose of the hearing is for the Corps and PADEP to receive oral and written comments that will enable them to evaluate the impacts of the proposed project on the public interest. All interested parties, including representatives of Federal, State, and local governments and private individuals and organizations, are invited to be present or to be represented. Each will be given an opportunity to express their views regarding the proposed project. By regulation (33 CFR 327.8), the Corps will not provide rebuttal to the public bearing testimony. The duration of oral comments will be limited based on the number of people who wish to provide testimony. Additional comments may be submitted in written form to U.S. Army Corps of Engineers, State College Field Office, 1631 South Atherton Street, Suite 102, State College, PA 16801, Attn: Amy Elliott. In order for written comments and information to be considered and included in the official record, it must be received by the Corps by May 15, 2006, the closing date of the comment period for this notice.

The Baltimore District has received an application for a Department of the Army permit pursuant to Section 10 of the Rivers and Harbors Act (33 U.S.C. 403) and Section 404 of the Clean Water Act (33 U.S.C. 1344) as described below:

APPLICANT: Luzerne County Flood Protection Authority
Attn: Mr. Jim Brozena
Luzerne County Courthouse
200 North River Street
Wilkes-Barre, PA 18711-1001

LOCATION: The project is located on the Susquehanna River, in the City of Wilkes-Barre, Larksville Borough, Edwardsville Borough, Kingston Borough, Forty-Fort Borough, and Plains Township, Luzerne County, Pennsylvania.

PROPOSED WORK: To discharge dredged or fill material into the Susquehanna River, and adjacent wetlands, associated with the construction of an inflatable structure. The structure will be located (on the left bank of the Susquehanna River) off Gordon Avenue, behind the levee pump station, within the City of Wilkes-Barre and (on the right bank of the Susquehanna River) off S.R. 011 near its intersection with Riverside Road, in Larksville Borough. The proposed time the structure will be inflated will be confined to the summer months. The inflatable structure, with a fully inflated height of 9.5 feet, will maintain the water surface level of the pool near elevation 517 feet (NGVD 1929). The water surface elevation of the river in the

vicinity of the Market Street Bridge will be raised approximately 4 feet higher than average during the period when the structure is inflated. With this structure height, the recreational pool would be confined within the natural channel banks of the river. The recreational pool will extend approximately 4.5 miles upstream from the structure. The width of the pool will vary between 500 and 1,000 feet. The average depth of the pool will be approximately 8-10 feet with the deepest area more than 25 feet. In addition, a fish passage facility will be constructed with the inflatable structure along the right bank of the river. The preliminary fishway design is for the inflatable structure to cross the river perpendicularly and incorporate a vertical slat fishway.

Impacts associated with the structure include: 1.) Permanent impacts to 1.79 acres of the Susquehanna River associated with the portage ramp, fish passage facility, and the inflatable structure foundation which includes rip-rap scour protection; 2.) permanent impacts to 0.16 acres of palustrine forested riparian wetland associated with the construction of the permanent portion of the structure; 3.1 temporary impacts to 3.68 acres of the Susquehanna River associated with construction activities for the fish passage facility and the inflatable structure foundation; 4.) temporary impacts to 0.89 acres of palustrine scrub-shrub riparian wetland associated with the contractor staging area, site access, and construction activities; and 5.) seasonal inundation of 0.90 acres of palustrine forested riparian wetland and riverine habitat wetland associated with the proposed normal pool elevation of 517 feet (NGVD 1929). Other potential impacts of the proposed structure that have been identified through scoping and public comments include issues related to water quality/CSO's, fisheries and mussel recolonization, acid mine drainage (AMD), elevated mercury levels in sediments, and historic/archaeological concerns.

The applicant has stated that the proposed inflatable structure will incorporate a fish passage facility to allow for the upstream migration of American Shad on the Susquehanna River. Members of the Susquehanna River Anadromous Fish Restoration Cooperative have been working to restore American Shad in the New York waters of the Susquehanna River and ultimately establish a recreational fishery for that area.

The applicants stated purpose is to 1.) mitigate the intangible negative socio-economic impacts caused by the levee raising project, 2.) provide economic development potential for the Wyoming valley region, and 3.) provide river-based recreational opportunities.

The decision whether to approve this project will be based on an evaluation of the probable impact including cumulative impacts of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefit which reasonably may be expected to accrue from the proposal must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the proposal will be considered including the cumulative effects thereof; among those are conservation, economics, aesthetics; general environmental concerns.-wetlands, cultural values. fish and wildlife values. flood hazards, flood plain values, land use, navigation. shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, and, in general, the needs and welfare of the people.

The Corps of Engineers is soliciting comments from the public; Federal, State, and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition, or not grant approval for this proposal. To make this decision. comments are used to assess impacts on endangered species; historic properties, water quality, general environmental concerns. and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the overall public interest of the proposed activity.

The applicant is required to obtain a water quality certification in accordance with Section 401 of the Clean Water Act from the Pennsylvania Department of Environmental Protection.

The applicant must obtain any State or local government permits which may be required.

A preliminary review of this application indicates that the proposed work will not affect listed species or their critical habitat pursuant to Section 7 of the Endangered Species Act as amended. As the evaluation of this application continues, additional information may become available which could modify this preliminary determination.

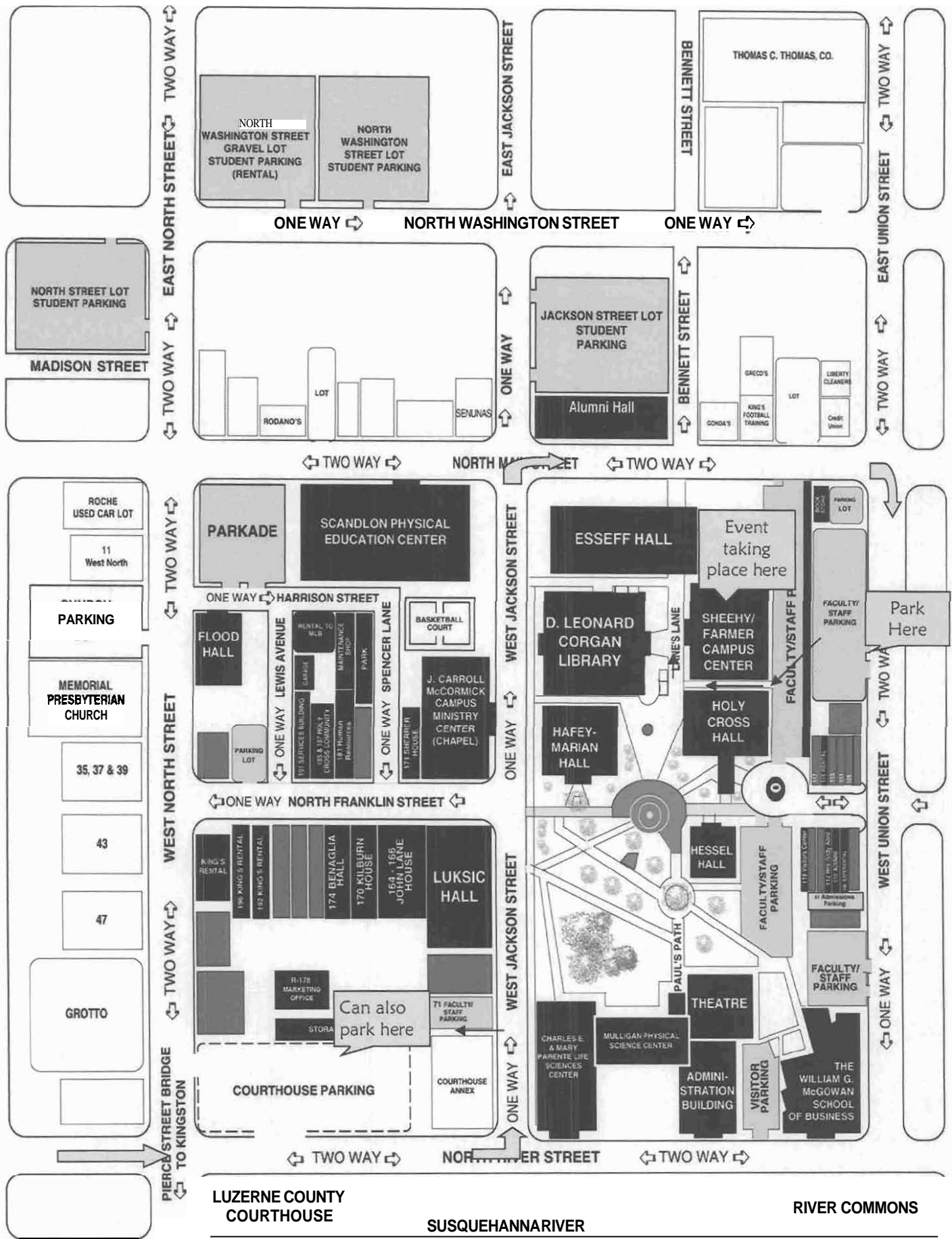
The evaluation of the impact of the work described above on the public interest will include application of the guidelines promulgated by the Administrator, U.S. Environmental Protection Agency, under authority of Section 404 of the Clean Water Act.

It is requested that you communicate the foregoing information concerning the proposed work to any persons known by you to be interested and not being known to this office, who did not receive a copy of this notice.

FOR THE DISTRICT ENGINEER:



JANET M. VINE
Chief, Regulatory Branch



LUZERNE COUNTY
COURTHOUSE

SUSQUEHANNA RIVER

RIVER COMMONS